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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,678	09/21/2001	John R. Fredlund	83415RLO	5258
7590	05/15/2007			
Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			EXAMINER MILIA, MARK R	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/960,678	FREDLUND ET AL.
	Examiner	Art Unit
	Mark R. Milia	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 March 2007.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-7 and 9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-7 and 9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 3/6/07 and 3/12/07 have been entered. Currently, claims 1, 3-7, and 9 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,324,545 to Morag.

Regarding claim 1, Morag discloses a method of selecting an image bearing product that requires a particular resolution digital image, characterized by: a) a user providing a high resolution digital image in a memory at a user location (see column 5 lines 48-51 and 66-67), b) a service provider providing information which is displayed at the user location, such displayed information including at least two different image bearing products that can be provided by the service provider that require at least two different resolution digital images (see column 1 line 64-column 2 line 57, column 6 lines 45-58, and column 13 lines 2-8, reference discloses creating customized photo albums of which a plurality of different images of varying sizes or resolutions are utilized and further states that images can be arranged on other objects, such as T-shirts, therefore it can be seen that at least two image bearing products are provided that allow at least two different resolution digital images), c) the user selecting one of the image bearing products to be provided by the service provider after viewing the displayed images at the user location (see column 1 line 64-column 2 line 57 and column 6 lines 24-58), d) the service provider communicating the resolution required for the selected image bearing product to the user location (see column 1 line 64-column 2 line 57 and column 6 lines 24-58, reference states that a user can select a plurality of images, upload representative thumbnail images to the service provider, which will automatically

perform photo album arrangement and that images are then uploaded based on the final size and/or resolution needed by the album), e) responsive to the communicated required resolution, automatically converting at the user location, the high resolution digital image to a lower resolution digital image corresponding to the selected image bearing product (see column 6 lines 45-58), and f) sending the lower resolution digital image from the user location to the service provider (see column 6 lines 7-10, 16-18, and 56-58), g) utilizing the lower resolution digital image to produce the selected image bearing product (see column 7 lines 2-4).

Regarding claim 3, Morag further discloses using a digital camera to capture the high resolution digital image (see column 5 lines 48-51).

Regarding claim 4, Morag further discloses wherein the at least two image products include prints of different sizes (see column 2 lines 16-20, column 6 lines 56-58, column 7 lines 44-45, and column 11 line 61-column 12 line 2).

Regarding claim 5, Morag further discloses wherein the at least two image bearing products are different photo albums (see column 1 line 64-column 2 line 57, column 6 lines 45-58, and column 13 lines 2-8).

Regarding claim 6, Morag further discloses establishing a service account for the user with the service provider to permit the user to have access to ordered services (see column 6 lines 58-60).

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morag as applied to claims 1 and 6 above, and further in view of Fredlund et al. (US 5666215).

Regarding claim 7, Morag does not disclose expressly providing payment for the selected photo product.

Fredlund discloses providing payment for the selected photo product (see Fig. 5 and column 6 lines 42-48).

Morag & Fredlund are combinable because they are from the same field of endeavor, ordering and printing of digital images.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide payment for a selected photo product that has been ordered by a user, as described by Fredlund, and which is well known and commonly used in the art, with the system of Morag.

The suggestion/motivation for doing so would have been to receive payment for services rendered, as is conventional and necessary for a business to survive.

Therefore, it would have been obvious to combine Fredlund with Morag to obtain the invention as specified in claim 7.

Regarding claim 9, Morag does not disclose expressly modifying the number of bits per pixel to produce the lower resolution digital image.

Fredlund discloses modifying the number of bits per pixel to produce the lower resolution digital image (see column 3 lines 43-47 and column 4 lines 10-25).

Morag & Fredlund are combinable because they are from the same field of endeavor, ordering and printing of digital images.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the modifying of the number of bits per pixel to produce a lower resolution image, as described by Fredlund, with the system of Morag.

The suggestion/motivation for doing so would have been to increase transmission speed by reducing the amount of data needed to reproduce an image and in effect decrease the amount of memory capacity needed to store the image.

Therefore, it would have been obvious to combine Fredlund with Morag to obtain the invention as specified in claim 9.

### ***Conclusion***

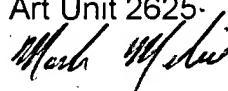
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia  
Examiner  
Art Unit 2625

MRM

  
  
TWYLER LAMB  
SUPERVISORY PATENT EXAMINER